

IN THE DRAWINGS

The attached sheets of drawings include changes to Fig. 14, 15A, and 15B. These sheets, which include Fig. 14, 15A, and 15B, replace the original sheets including Fig. 14, 15A, and 15B.

Attachment: 2 Replacement Sheets

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-8 are pending in this case. This response is properly filed under 37 C.F.R. § 1.116(b)(1) because it is filed in compliance with a requirement of form expressly set forth in the previous Office Action.

In the outstanding Office Action, the drawings were objected to; Claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over Colley, et al. (U.S. Patent No. 6,650,644, herein "Colley") in view of Applicants' Admitted Prior Art (herein "AAPA"); and Claims 1-5, 7, and 8 were rejected under 35 U.S.C. § 103(a) as unpatentable over Colley in view of AAPA, further in view of Beshai, et al. (U.S. Pub. No. 2002/0131363, herein "Beshai").

Figures 14, 15A, and 15B are amended. Thus, Applicants respectfully request that the objection to the drawings be withdrawn.

Applicants respectfully traverse the rejections of the pending claims.

Claim 6 is directed to a router in an IP network and includes "a control and relay unit configured to control and route at said router in accordance with **first bits for implementing bandwidth control** at said router stored in a first area assigned within an IP-header field of an IP packet, and **second bits that indicate a path for routing the IP packet to a destination router** at said router stored in a second area also assigned within said IP-header field of the IP packet, wherein said first bits and said second bits do not interfere with each other."

The outstanding Office Action concedes that Colley does not teach or suggest second bits as defined by Claim 6 but asserts that TOS routing bits described in AAPA can be properly combined with Colley to teach every element of Claim 6. Further, at page 2, the

outstanding Office Action states that Applicants' previous arguments are moot in light of the new grounds for rejection.

First, Applicants respectfully submit that, though AAPA is cited in combination with Colley for a rejection of Claim 6 in the outstanding Office Action, Applicants' previous arguments with regard to the elements of Claim 6 for which Colley is cited again have not been addressed. According to MPEP § 707.07(f), "[w]here the applicant traverses any rejection, the Examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." In this case, the outstanding Office Action fails to take note of and answer the substance of Applicants' previous arguments that Colley fails to teach or suggest "a first area assigned within an IP-header field of an IP packet," in derogation of MPEP § 707.07(f).

The outstanding Office Action asserts, at page 4, that it would have been obvious to a person of ordinary skill in the art to combine Colley with TOS routing bits "to improve QoS management." However, that combination is described, in the "Background of the Invention" of the Specification, as creating problems that are addressed by the claimed invention.

Colley describes translation of QoS/class of service information. The purpose of providing the QoS translation, as described at column 5, lines 20-28, of Colley is "to differentiate between contracted service levels" and allow for what is referred to in the "Background of the Invention" section of the present application as DiffServ, wherein packets are routed with higher preference given to higher precedence traffic, according to QoS value.

The "Background of the Invention" section, relied on in the outstanding Office Action as AAPA, also states, at paragraph [0025] of the published specification, that "with the TOS

routing and the DiffServ...the bits referred to by the respective methods end up interfering with each other.”

Thus, even assuming, *arguendo*, that the modification of Colley with TOS routing bits described in AAPA were proper, such a combination would still not teach or suggest first bits as defined by Claim 1 and would also not teach or suggest “said first bits and said second bits do not interfere with each other,” as recited in Claim 6.

Accordingly, Applicants respectfully request that the rejection of Claim 6 under 35 U.S.C. § 103(a) be withdrawn.

Claims 1 and 5, though differing in scope and statutory class, patentably define over Colley and AAPA for substantially the same reasons as Claim 6. Further, Beshai, which is additionally cited against Claims 1-5, 7, and 8, does not cure the deficiencies of the combination of Colley and AAPA discussed above at least with regard to Claims 1, 5, and 6. Thus, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of Claim 1, Claims 2-4, which depend therefrom, Claim 5, and Claims 7 and 8, which depend from Claim 6, be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

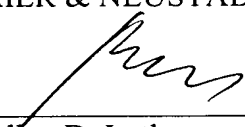
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Usha Munukutla-Parker
Registration No. 61,939